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# Combating sexual exploitation and abuse

## Report of the Secretary-General

*Summary*

Pursuant to General Assembly resolution 70/286, the present report provides an update on the initiatives undertaken across the United Nations system to combat sexual exploitation and abuse, since February 2016, including those under way to address the recommendations of the External Independent Review Panel to review and assess the response of the United Nations to recent allegations of sexual exploitation and sexual abuse, including in the Central African Republic, as well as a broad range of systemic issues related to how the United Nations responds to serious information of this kind, and those contained in Security Council resolution 2272 (2016).

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# I. Background

1. Wherever the United Nations flag flies, it represents the highest ideals of humanity and the dedicated service of men and women operating in extremely challenging and often violent environments around the world. Whether as peacekeeper or humanitarian, in development or human rights, individuals working under the banner of the United Nations accept the responsibility to advance the cause of peace and protect the world's most vulnerable.

2. Over seven decades, for millions of people, the efforts of United Nations personnel have often meant the difference between despair and hope, ravage and relief, life and death. Yet, the terrible acts of a few can undermine the untold number of sacrifices of the many. Whenever sexual exploitation and abuse is perpetrated by its personnel, the United Nations has broken its most sacred promise to safeguard those most in need.

3. Sadly, preceding Secretaries-General have also had to confront the issue of sexual exploitation and abuse, and, for more than a decade, the General Assembly has been seized of this scourge. In April 2003, it adopted resolution 57/306 and requested the Secretary-General to take measures to prevent sexual exploitation and abuse in humanitarian and peacekeeping operations and respond rapidly when allegations come to light. Since then, many structural initiatives and operational measures have been taken, but instances of this odious behaviour continue to occur, demanding further dynamic action. The present report fulfils the ongoing commitment of the Secretary-General to keep Member States informed of efforts to combat sexual exploitation and abuse and aims at maintaining the collective focus of the Organization on the issue.

4. More specifically, the present report provides a comprehensive update to Member States on the progress made since the issuance of the report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse (A/70/729), in February 2016. It includes measures for the implementation of Security Council resolution 2272 (2016) and outlines progress made on other initiatives that are under way, including the status of implementation of the recommendations made by the External Independent Review Panel to review and assess the response of the United Nations to recent allegations of sexual exploitation and sexual abuse, including in the Central African Republic, as well as a broad range of systemic issues related to how the United Nations responds to serious information of this kind. It also addresses other serious related crimes perpetrated by members of foreign military forces not under United Nations command in the Central African Republic (see A/71/99).

5. The United Nations policy of zero tolerance of sexual exploitation and abuse embodies the principle that the Organization will not remain silent or passive in the face of reported incidents, regardless of the perpetrator. It means that the Organization will actively work to protect and support victims and ensure the appropriate accountability of all United Nations personnel. With regard to uniformed military and police personnel, only by working closely with Member States will the Organization be able to ensure that perpetrators are held accountable, subject to an investigation that can withstand judicial scrutiny in disciplinary and criminal proceedings. When individuals are found guilty, accountability and justice require the imposition and public recording of sanctions that are commensurate with the seriousness of the offences.

6. The present report provides the comprehensive strategy of the Secretary-General for strengthening the United Nations response to sexual exploitation and abuse and is organized as follows: (a) Member State engagement and emerging best practices in United Nations troop and police deployments; (b) enhanced unified system-wide approach; (c) strengthened prevention, including increased awareness-raising, outreach to host communities, community-based reporting mechanisms and augmented training to United Nations personnel; (d) enhanced victim-centred response, encompassing victim services and protection; (e) robust enforcement through strengthened reporting, thorough and coordinated investigation and transparent judicial and public accountability; and (f) greater focus on monitoring and reporting on sexual exploitation and abuse by non-United Nations forces.

## II. Introduction

7. The United Nations must lead by example when confronting sexual exploitation and abuse, by supporting victims and ensuring that its flag remains a beacon of hope for all the people whom it serves. Deeply concerned by the allegations of sexual exploitation and abuse of children by foreign military forces not under the command of the United Nations in the Central African Republic and by the response of the United Nations system to those allegations, the Secretary-General appointed the External Independent Review Panel in June 2015.

8. In its report submitted to the Secretary-General on 17 December 2015, the Panel found that, although the United Nations had initially uncovered the abuse, it did not handle the allegations with the appropriate urgency, care or sensitivity. The Panel portrayed the response as fragmented, bureaucratic and failing to satisfy the Organization's core mandate to address human rights violations with the expediency and sensitivity that they require. For the full text of the recommendations of the Panel, and the response of the Secretary-General with regard to action under way to address those recommendations, see the annex to the present report.

9. In considering the Panel's findings, the Secretary-General has called for the United Nations system to redouble its efforts to prevent sexual exploitation and abuse and, when cases do occur, to ensure that a victim-focused approach that holds perpetrators to account is taken. The scope of the Panel's recommendations was limited to peacekeepers, defined by the Panel as "all international or regional troops", but the Secretary-General has sought to apply the principles underlying the recommendations to all United Nations personnel, including uniformed and civilian personnel, contractors, United Nations Volunteers and experts on mission. The affiliation of a perpetrator is irrelevant to a victim.

10. Following the receipt of the Panel's report, the Secretary-General established a high-level steering group, under the leadership of the Chef de Cabinet, comprising the heads of the offices, departments, funds and programmes involved in responding to issues of sexual abuse and gender-based violence.[1] Since its establishment, the

[1] The members of the high-level steering group are the Administrator of the United Nations Development Programme; the Chef de Cabinet (Chair); the Executive Director of the United Nations Children's Fund; the Special Representative of the Secretary-General for Children and Armed Conflict; the Special Representative of the Secretary-General on Sexual Violence in Conflict; the Under-Secretary-General for Communications and Public Information; the Under-Secretary-General for Field Support; the Under-Secretary-General for Legal Affairs and Legal Counsel; the Under-Secretary-General for Management; the Under-Secretary-General for Peacekeeping Operations; the United Nations High Commissioner for Human Rights; and the United Nations High Commissioner for Refugees.

steering group has met regularly and has ensured that the senior management team is directly involved in the strengthening of the system-wide response to sexual exploitation and abuse, irrespective of whether allegations are made against United Nations or non-United Nations forces under a Security Council mandate.

11. In February 2016, the Secretary-General appointed the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse with a time-bound mandate to organize, unify and prioritize the United Nations system-wide measures for prevention and response. The Secretary-General requested the Special Coordinator to build on ongoing work and consult widely with Member States, internal stakeholders, regional organizations and outside experts. Whereas departments and offices retain direct authority and oversight with respect to their operational mandates for monitoring and reporting on sexual exploitation and abuse, the role of the Special Coordinator is to ensure coherence and harmonization. Both the General Assembly, by its resolution 70/286, and the Security Council, by its resolution 2272 (2016), welcomed the appointment of the Special Coordinator.

12. Also in February, the Secretary-General issued the annual report on special measures for protection from sexual exploitation and sexual abuse (A/70/729), which built on an existing comprehensive programme of action and detailed new preventive measures and victim-centred response initiatives.

13. In March 2016, the Security Council adopted resolution 2272 (2016), in which it highlighted its view that combating sexual exploitation and abuse required a strong partnership between the Organization and Member States. The Council explicitly endorsed many measures that are under way and reaffirmed its support for the Organization policy of zero tolerance of sexual exploitation and abuse.

14. On 17 June 2016, the General Assembly adopted resolution 70/286, in which it welcomed the determination of the Secretary-General to fully implement the United Nations policy of zero tolerance of sexual exploitation and abuse and reaffirmed that all civilian, military and police personnel must be held to the same standard of conduct so as to preserve the image, credibility, impartiality and integrity of the United Nations.

15. The present report highlights some of the ongoing initiatives resulting from the debates in the General Assembly on sexual exploitation and abuse and the work of the Assembly, the Special Committee on Peacekeeping Operations, the Fifth Committee and the Security Council, as well as the report of the Panel.

## III. Member State engagement and emerging best practices

16. The battle against sexual exploitation and abuse cannot be won without the active participation of Member States and the recognition of their responsibilities. Their engagement has been central and has had a demonstrably positive effect, generating momentum and developing best practices with respect to uniformed personnel, which will be documented and widely shared by the final quarter of 2016. For example, Malawi requires senior officers in command positions to have had previous experience in peacekeeping, and it holds a competition for officers who will command at the battalion level or above. Officers are required to develop a command philosophy on how to prevent and address sexual exploitation and abuse. Brazil has developed an extensive code of conduct with specific prohibitions, such as the

non-official distribution of toys, food or water. Several troop-contributing countries restrict the wearing of civilian clothes, limit the frequency and duration of unofficial visits to local villages, impose strict non-fraternization policies (no contact with the local population unless on official business), conduct frequent training and keep their forces constructively occupied when not conducting official operations.

17. Personnel of a number of troop- and police-contributing countries have served in peacekeeping operations for the past five years with unblemished records in relation to reported incidents of sexual exploitation and abuse. These countries are Austria, Cambodia, El Salvador, Fiji, the Gambia, Guinea, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, the Netherlands, Peru, the Republic of Korea, Serbia, Spain, Sweden, Tunisia and Zambia. The Secretary-General will continue to publicly recognize such troop- and police-contributing countries going forward.

18. The Secretary-General requested Member States to adopt a six-month timeline for completing investigations into alleged sexual exploitation and abuse by their troops, mirroring the timeline adopted by United Nations investigative entities. In cases in which expedited action is required, United Nations investigative entities have a reduced deadline of three months and, in some cases, Member States have also abided by this timeline. In addition, troop-contributing countries have included, or will include, national investigations officers in all deployed military units, beginning with the February 2016 rotations and no later than July 2016.

19. Examples of rapid accountability are beginning to emerge. Morocco now routinely deploys a national investigations officer with its contingents. South Africa has standby national investigations officer teams capable of deploying to any mission within 72 hours. In the wake of serious allegations against personnel serving in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), South Africa conducted a court-martial of members of its contingent in situ to allow victims and the affected communities to witness the proceedings.

20. Egypt recently carried out an expedited investigation, conducted a court-martial and imposed a sentence of five years' imprisonment and dismissal from service. In another recent case, Bangladesh investigated a credible allegation in just over three months and imposed a sentence of one year's imprisonment and dismissal from service. Bangladesh will incorporate this case study into its national predeployment training syllabus. In March 2016, the Democratic Republic of the Congo arrested 20 soldiers who had served in the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) upon their repatriation and tried them on several charges, including rape and various violations of the Congolese Criminal Code.

21. The swift deployment of suitably qualified national investigations officers is essential to preserving evidence, establishing the facts and building strong cases. With regard to recent allegations and reports of sexual exploitation and abuse, the Democratic Republic of the Congo, Egypt, Gabon, Ghana, Morocco, South Africa, Togo and the United Republic of Tanzania all appointed national investigations officers within five days of notification, and Burundi did so within one day. Many of these Governments indicated that they would work jointly with the Office of Internal Oversight Services (OIOS) to increase transparency in the investigations.

22. The Security Council, in its resolution 2272 (2016), urged Member States to strengthen prevention through training, monitoring and expanded vetting. It called for strengthening enforcement through robust reporting mechanisms. The resolution focused primarily on military personnel and members of formed police units serving in peacekeeping missions and on the responsibility of troop- and police-contributing countries to investigate allegations and hold their personnel accountable, including for criminal conduct.

23. As requested by the Security Council in its resolution 2272 (2016), the Secretariat has developed guidance for decisions to repatriate military or formed police units when there is credible evidence of widespread or systemic sexual exploitation and abuse. The guidance also sets out the factors to consider and the process to use in order to determine whether a troop- or police-contributing country has taken appropriate steps to prevent and investigate, and hold the perpetrator or perpetrators accountable for, sexual exploitation and abuse and to update the Organization on the investigations and follow-up actions, as required under the memorandum of understanding between the Organization and the troop-contributing country.

24. In its resolution 2272 (2016), the Security Council urged non-United Nations forces authorized under a Council mandate to prevent sexual exploitation and abuse, investigate allegations and hold perpetrators accountable within their units. In its resolution 70/286, the General Assembly requested the Secretary-General to use the reporting methodology and template contained in annexes I and III to the report on special measures for protection from sexual exploitation and sexual abuse (A/70/729), and to include in future reports information on allegations of sexual exploitation and abuse by non-United Nations forces operating under a Council mandate.

25. The Secretariat has incorporated and will continue to incorporate suggestions made by Member States, through formal and informal consultations, with regard to replicable best practices to combat sexual exploitation and abuse throughout United Nations operations.

## IV. Unified system-wide approach

26. The United Nations system has the mandate, expertise and some resources to address sexual exploitation and abuse. Nonetheless, there is a clear need to unify and consolidate knowledge and to clarify the specific roles and responsibilities of individuals and entities across the system.

27. To follow up on the implementation of the recommendations of the External Independent Review Panel and its concerns regarding fragmentation, in March 2016, the Special Coordinator assumed her responsibilities to coordinate and strengthen the United Nations response to sexual exploitation and abuse, including by chairing a system-wide working group that comprises focal points from all offices represented in the high-level steering group (see para. 10). The working group meets fortnightly and includes experts in human rights, child protection, conflict-related sexual violence and international humanitarian law. Through this working group, the Special Coordinator oversees the implementation of strategic decisions made by the members of the steering group and leads multiple work streams that take into account Security Council resolution 2272 (2016) and the recommendations contained in the Panel's report and other reports, such as the report of the High-level Independent Panel on Peace

Operations (A/70/95-S/2015/446) and the report of the High-level Committee on Management on its thirtieth session (CEB/2015/5).

28. The ongoing activities of the working group as at June 2016 include a mapping exercise[2] to identify the system-wide policies and procedures that apply to sexual exploitation and abuse and to perform a gap analysis. The working group is also creating a glossary to establish a common understanding of terminology relating to sexual exploitation and abuse, preparing a uniform complaint/reporting form that seeks to streamline and unify data collection, developing uniform protocols on victim assistance, for coordinating the provision of services, and on handling allegations, information-sharing and the protection of victims, to increase coordination and minimize trauma to victims and witnesses during investigations, and developing a basic toolkit for managers and leaders in the field to guide in prevention and response. All these initiatives are geared towards strengthening the response to and prevention of sexual exploitation and abuse through practical measures that improve coordination and coherence among key actors across the United Nations system. The measures will be completed by the end of 2016.

29. The Panel proposed the establishment of a dedicated coordination unit with oversight and monitoring capabilities, supported by a working group with expertise in, among other things, human rights and sexual violence. Given the initiatives under way by the Secretary-General, the establishment of such a structure at this juncture would be premature.

30. Consideration is being given, however, to extending the mandate of the Office of the Special Coordinator beyond the initial 11-month term, which ends early in 2017. This would ensure continuity and provide the new leadership with a strong platform on which to continue the Organization's work on the issue. The current system-wide working group, chaired by the Special Coordinator, is a well-functioning mechanism that includes experts in thematic areas.

31. With regard to the Panel's recommendation for the establishment of a comprehensive system-wide database, the need to better align data collection is acknowledged. It should be noted that the Department of Peacekeeping Operations, the Department of Field Support and OIOS have systems in place to record misconduct in peacekeeping and special political missions and an established process by which to assess, report and, upon informing the Member States concerned, publish the relevant information on the website of the Conduct and Discipline Unit of the Department of Field Support. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has a database to record cases of human rights violations, including those relating to sexual exploitation and abuse, brought to the attention of or investigated by OHCHR, including the human rights components in peace operations.

32. Building on these systems, efforts are under way to achieve greater data clarity and, in coordination with OIOS and the Department of Field Support, to create a single report/complaint form for system-wide use. In parallel, as from July 2016, the Office of Human Resources Management will receive data on allegations of sexual

[2] The mapping exercise involves two main initiatives: (a) creating an electronic repository to centrally house all relevant United Nations policies, procedures and other documents relating to sexual exploitation and abuse; and (b) conducting a survey exercise of all system-wide stakeholders to collect data and information that identify gaps and best practices.

exploitation and abuse from funds and programmes on a monthly basis, as opposed to annually, in order to monitor the status of reports in real time.

33. To fully utilize the capacities of the United Nations to combat sexual exploitation and abuse, the Organization must coordinate and unify its efforts, putting the needs of the victim at the centre of its focus, in the three key areas of prevention, victim assistance and response.

# V. Prevention

34. Prevention of sexual exploitation and abuse demands constant vigilance and unwavering commitment from all members of civilian and military command structures. The responsibility to prevent sexual exploitation and abuse must be recognized by all United Nations personnel across all disciplines of the Organization. Every programme must raise prevention of sexual exploitation and abuse to the level of mandate performance, for individuals, operations and the Organization as a whole. To that end, by the first quarter of 2017, job descriptions of supervisory personnel in the field at the P-4 level and above will include the responsibility to create and maintain an environment that prevents sexual exploitation and abuse and emphasize the existing obligation to report allegations thereof.

35. Pursuant to Security Council resolution 2272 (2016), the Department of Field Support and the Department of Peacekeeping Operations have developed guidance for the implementation of the resolution (see para. 23) and a preventive risk assessment framework to apply before deployment, including for in-theatre deployments. In addition, discussions are continuing with Member States to explore structural factors that may aid preventive efforts, such as troop rotation schedules, compulsory mid-tour leave out of country, adequate welfare programmes and living standards and the regular payment of salaries to uniformed personnel.

## A. Increased awareness

36. In May 2016, the Secretariat finalized and issued a global communications strategy to support the prevention of sexual exploitation and abuse. It outlines initiatives to raise awareness among key audiences, including host communities, civil society, Member States, troop- and police-contributing countries and United Nations personnel. It provides guidance to all stakeholders on actions being taken to reinforce accountability through greater transparency. Leaders in both the Secretariat and field missions systematically engage with key audiences to update them on efforts to combat sexual exploitation and abuse and gain their perspective on further ways to improve.

37. The Organization has publicly shared information on reports implicating its personnel and will continue to do so. For example, regarding the recent reports of sexual exploitation and abuse in Kémo prefecture in the Central African Republic, the Secretary-General, through the Office of the Spokesperson, provided regular updates on the investigations and action taken by the Secretariat and Member States. On 16 June 2016, the media were updated on the status of the work of OIOS, which had interviewed more than 90 of the 106 complainants, with the remainder expected to be completed by July 2016.

## B. Outreach to host communities and community-based reporting mechanisms

38. Recognizing that victims may not wish to report sexual exploitation and abuse by interacting with those who have allegedly perpetrated the acts, the Organization has strengthened community-based complaint reception mechanisms, including through measures to better promote their use so that community members and service providers can safely and confidentially report allegations. In April 2015, the Secretariat issued guidance on a community-based complaint reception framework for peacekeeping and special political missions. Although many peacekeeping missions had similar existing mechanisms or referral pathways, consultations with international and local stakeholders served to continue to strengthen these mechanisms in local communities.

39. In addition, the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and several other offices and agencies contributed to the Inter-Agency Standing Committee global standard operating procedures for inter-agency cooperation in uniform community-based complaint mechanisms for the humanitarian community. UNHCR is finalizing revised guidelines on an accountability and complaint mechanism and operational guidance for staff on the implementation of these mechanisms and integrating and mainstreaming a community-based pilot project with partners in the Central African Republic and Ethiopia. Staff and partners may now take training on prevention of and response to sexual exploitation and abuse, improved assistance to victims, establishment of complaint-based mechanisms and strengthened reporting.

40. With increased outreach and improved reporting, Member States must recognize that there is the possibility of an increase in the number of reported incidents. The Organization will treat all allegations with a committed seriousness of purpose and pursue the facts, wherever they may lead.

## C. Training

41. To ensure that all United Nations personnel, as well as affiliated and associated personnel, are fit to protect those whom they are mandated to serve, regular training on United Nations standards of conduct and human rights continues to be implemented and improved system-wide.

42. Member States, in collaboration with the Secretariat, continue to strengthen predeployment training for the prevention of sexual exploitation and abuse. In February 2016, the Department of Peacekeeping Operations and the Department of Field Support developed a scenario-based exercise for battalion and sector commanders on responding to reports of sexual exploitation and abuse. The exercise can be run by the Secretariat, troop- and police-contributing countries or States involved in capacity-building for such countries. Given that monitoring and periodic assessment are essential to ensuring that training achieves the intended results, since January 2016, all troop-contributing countries have been required to certify the operational readiness of their contingents, including that they have completed

predeployment training with regard to sexual exploitation and abuse, in accordance with United Nations standards.

43. In addition, the Integrated Training Service of the Department of Peacekeeping Operations and the Department of Field Support delivers centralized train-the-trainer courses, in which participants from several troop- and police-contributing countries meet and share best practices so that they can then replicate the training programmes in their home countries. The Service also deploys, upon request, mobile training teams to troop- and police-contributing countries to improve their predeployment training programmes, which include programmes on sexual exploitation and abuse. This allows for direct engagement with Member State training personnel at the national training venue. Six teams are projected to be deployed in the period 2016-2017.

44. New training initiatives sponsored by the United Nations include a sexual exploitation and abuse e-learning programme, piloted in June 2016 and targeted at all categories of field personnel, both uniformed and civilian, including leaders, commanders and managers. The mandatory online programme will allow for regular monitoring and evaluation of and data collection on those who complete the programme. It will also reinforce existing in-person training and awareness-raising sessions. This new approach will change the way in which the Secretariat approaches training, targeting various levels of responsibility and introducing the flexibility to cater to individual learning beyond a classroom setting. The methodology will ensure understanding and allow for testing through exercises. It will be available in multiple languages, including the languages of the principal troop- and police-contributing countries, and mandatory for all field personnel.

45. Mandatory induction and refresher training courses on sexual exploitation and abuse are currently under way in field missions. A continuous learning programme for conduct and discipline personnel is held annually for staff from conduct and discipline teams and focal points. Practitioners from the African Union and other regional organizations are also invited to participate.

46. The Secretariat is working with UNICEF to update the specialized training materials on child protection for uniformed personnel under United Nations command and to strengthen the modules on sexual exploitation and abuse. The new materials will be tested at an upcoming train-the-trainer course to be held in September 2016. UNICEF will release, by the end of 2016, a mandatory training course on the prevention of and response to sexual exploitation and abuse for all staff and related personnel. UNDP will launch an online training course on the issue in the third quarter of 2016. UNHCR is also introducing a mandatory e-learning course on the issue for its staff and is preparing a global training strategy and a facilitator's training manual to be published online by June 2016.

47. Although training is essential to prevention, human rights screening and vetting mechanisms are also being strengthened as an essential preventive measure.

## D. Role of screening and vetting to help to prevent sexual exploitation and abuse

48. Screening and vetting potential United Nations personnel are essential in order to ensure the highest standards of integrity and avoid hiring perpetrators of sexual exploitation and abuse, other criminal offences or human rights violations. The Secretary-General agrees with the recommendation of the External Independent Review Panel that human rights standards must be comprehensively strengthened and ensured system-wide.

49. Under the policy on human rights screening developed in 2012, States that nominate or provide personnel[3] are requested to screen them and certify that they have not committed and have not been alleged to have committed, criminal offences and/or violations of international human rights law and international humanitarian law. The Secretariat conducts proactive human rights screening of candidates for senior appointments, on the basis of a review of information available to the United Nations and publicly on the human rights conduct of individuals or groups of prospective personnel. In addition, all individuals seeking to serve with the United Nations are expected to submit self-attestations regarding their non-involvement in human rights violations and, where necessary, to provide relevant information.

50. Efforts are under way to strengthen the human rights screening and vetting of uniformed personnel. Since January 2016, formal certifications from troop- and police-contributing countries have been required, upon the deployment or rotation of units, to provide clear assurances that proposed peacekeepers have not engaged in any misconduct or been involved in human rights violations before being accepted for deployment. Some certifications have already been received. In addition, personnel found to have engaged in misconduct will be repatriated at the expense of the troop- or police-contributing country.

51. Vetting is typically undertaken by the Department of Field Support to establish whether candidates for service have a history of prior misconduct while in the service of United Nations peace operations. This vetting process is undertaken using the data contained in the Misconduct Tracking System, a database held by the Department that has long been used to vet civilian personnel and experts on mission. The first successful pilot exercise to vet a formed police unit using this system was completed in December 2015. The system has been operational since 18 April 2016, signifying that all categories of peacekeeping personnel are now vetted for prior misconduct while serving with the United Nations. The system was used for the first time in May 2016 in the vetting of troops deployed to the United Nations Mission in Liberia and the United Nations Mission in South Sudan. In addition, for civilian staff members serving in peacekeeping or political missions, as well as at headquarters, the database maintained by the Administrative Law Section of the Office of Human Resources Management is also consulted. If a candidate's name is found therein, further information may, depending on the circumstances, be requested from the candidate. Information about established cases of misconduct is also contained in the official status file of the staff member concerned, which may be consulted at any point during the recruitment exercise.

[3] Including but not limited to members of military contingents, members of formed police units or individually deployed uniformed personnel, such as military observers or civilian police officers.

52. Although the Organization has established procedures in place, in line with the Panel's recommendations, the Secretary-General recognizes the need for more systematic human rights screening. For example, the policy on human rights screening is currently applicable only to Secretariat personnel. Owing to limited capacity, the Secretariat is generally able to carry out proactive screening only of candidates for senior positions. The cooperation of Member States in effectively screening their personnel before deployment or nomination is thus essential to ensuring that United Nations standards are upheld. To ensure systematic and consistent screening, the Secretary-General had proposed the establishment of a dedicated and sufficiently resourced screening entity, for which two posts were requested in the context of the peacekeeping support account for 2016/17. The General Assembly did not approve the requested resources and thus, discussions will be undertaken as to how to carry out these important tasks. Beyond the Panel's recommendations, the Secretary-General sees a need to strengthen disciplinary vetting for civilian personnel, given that most United Nations entities review only internal records of misconduct.[4]

53. Civilian personnel and experts on mission who are to be deployed in United Nations peacekeeping and special political missions are vetted for prior misconduct while serving with United Nations peacekeeping or special political missions, through the data contained in the Misconduct Tracking System, a database held by the Department of Field Support. Since April 2016, all troop and police contingents are being similarly vetted. In May 2016, the system was used in the vetting of troops deployed to the United Nations Mission in Liberia and the United Nations Mission in South Sudan.

54. With respect to strengthening the vetting of civilian personnel with implications for the United Nations system, a task force chaired jointly by UNHCR and the Department of Field Support was established following the thirtieth session of the High-level Committee on Management, in October 2015, to develop mechanisms to exchange information on personnel who are repatriated, dismissed or terminated for misconduct, including sexual exploitation and abuse (see CEB/2015/5). By October 2016, the task force will have agreed upon outputs and conclusions on the screening of personnel.

55. In addition, the Secretariat is finalizing a draft administrative instruction on investigations, disciplinary processes and administrative measures to be promulgated in 2016, which provides that, if asked by a United Nations system entity, the Secretariat will provide information about an ongoing investigation or a disciplinary process concerning a staff member.

56. UNICEF requires all candidates seeking staff appointments to disclose whether they have ever been the subject of an investigation into allegations of misconduct, including sexual exploitation and abuse, or the subject of a disciplinary process beginning after the completion of such an investigation, unless the candidate was fully cleared of the allegations. A confirmed allegation of sexual exploitation and abuse will

[4] Currently, there are no uniform requirements for individuals to affirmatively disclose any prior misconduct on their applications or systematic inter-agency sharing of existing disciplinary records. The United Nations Development Programme and the Office for the Coordination of Humanitarian Affairs now require resident coordinators and humanitarian coordinators to provide self-attestations that they have not been involved in prior violations of international humanitarian and human rights law.

be grounds for disqualifying a candidate, as will a resignation by the candidate before the completion of an investigation into sexual exploitation and sexual abuse, or before the completion of the ensuing disciplinary process.

57. The Secretary-General is seeking to further strengthen these existing mechanisms, and work is continuing to identify specific measures to strengthen processes for making cross-agency checks routine during the hiring process. The Secretary-General is engaging in consultations with the International Criminal Police Organization and other international law enforcement agencies to obtain best practices.

## VI. Victim-centred response

58. A key finding of the External Independent Review Panel was the need to view sexual exploitation and abuse through a human rights lens. This involves applying human rights standards in pursuing prevention, accountability and remedies for victims. The Secretary-General has accepted the key principle, and the Organization is establishing processes to increase collaboration with partners in the field, including Member States and local actors, to ensure that victims are protected during investigation proceedings and that timely and adequate assistance is delivered to them.

### A. Immediate coordination of victim assistance

59. Experience has shown that, for victim assistance to have a tangible impact, there must be strong collaboration among the United Nations peacekeeping operation, the United Nations country team and local actors. To that end, the Secretariat, jointly with UNICEF, UNHCR, OIOS and the United Nations Population Fund, is drawing on United Nations experience in dealing with victims of sexual and gender-based violence to draft a victim assistance protocol on sexual exploitation and abuse, which is expected to be issued in the third quarter of 2016. It aims at instituting a coordinated, system-wide approach to assistance and support to victims and is guided by the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel, contained in General Assembly resolution 62/214. The victim assistance protocol will outline the roles and responsibilities of key actors for the effective referral, scaled-up provision and regular monitoring of the quality of victim services.

### B. Establishment of a trust fund to support victim services

60. Currently, all peacekeeping missions are under instructions to utilize existing funds to respond to the immediate needs of victims. In addition, the Secretary-General has established a dedicated trust fund as part of his enhanced programme of action (see A/69/779 and A/70/729). The Trust Fund in Support of Victims of Sexual Exploitation and Abuse became operational in March 2016. It will be used to provide essential services, such as medical, psychological and legal services, to victims. Voluntary contributions from Member States have been requested, with Norway providing the first in May 2016. In addition, the General Assembly, in its resolution

70/286, approved the transfer to the Trust Fund of payments withheld in substantiated cases of sexual exploitation and abuse by any United Nations personnel.

### C. Protection of victims

61. To ensure a more coordinated and principled system-wide approach, the Secretariat, jointly with UNICEF, UNHCR and OIOS, is developing a uniform protocol that will outline information-sharing modalities, internal and external to the Organization, and measures for the protection of victims. The protocol will be finalized in the fourth quarter of 2016.

62. Since March 2016, coordination between OIOS, the Department of Field Support, OHCHR and UNICEF in handling cases and protecting victims has been significantly strengthened at both the operational and strategic levels. On the ground, UNICEF is providing child protection safeguarding and psychosocial support for child victims during the interview process, in cooperation with OIOS. OIOS has also incorporated a victim-centred approach in developing systems of work to minimize further harm to the victim, while obtaining evidence of sufficient quality and credibility to withstand scrutiny in judicial proceedings. Human rights components in peace operations and OHCHR contribute to gathering and assessing information from victims and other sources, advise on protection measures, carry out protection assessments in the context of investigations and support national trials.

63. The Secretariat, working with key partners, including UNICEF and UNHCR, drafted a MINUSCA-specific protocol for reporting and information-sharing with regard to allegations of sexual exploitation and abuse by United Nations personnel, including United Nations peacekeepers and non-United Nations security forces operating in the Central African Republic. In MINUSCA and MONUSCO, inter-agency coordination has focused on streamlining information-sharing, mobilizing resources and scaling up assistance to victims in order to provide immediate medical and psychosocial services to them, irrespective of the affiliation of an alleged perpetrator.

## VII. Enhanced response

### A. Strengthened reporting

64. Following consideration of the report of the External Independent Review Panel, measures were taken to reinforce the already-mandatory immediate reporting of all allegations of sexual violence. In February 2016, the Secretariat informed all peacekeeping operations and special political missions of enhanced reporting procedures and the need for strengthened intra-organizational coordination. Missions have been instructed to inform the United Nations High Commissioner for Human Rights, the Legal Counsel and the Special Representative of the Secretary-General on Sexual Violence in Conflict, in addition to the heads of the Department of Peacekeeping Operations, the Department Field Support and OIOS, when reporting to Headquarters. The guidance provided that all information regarding reports of sexual exploitation and abuse involving children should also be copied to UNICEF and the Special Representative of the Secretary-General for Children and

Armed Conflict. These measures are a response to the imperative that allegations be brought to the attention of senior-level officials, and they build upon a guidance note of 15 June 2015, sent to MINUSCA jointly by the Department of Peacekeeping Operations, the Department of Field Support and OHCHR, which was followed in October 2015 by guidelines issued to all peacekeeping and political missions on responding to and reporting of allegations of serious human rights violations.

65. Additional internal reporting mechanisms have also been established. The Executive Director of UNICEF requires that serious allegations of sexual violence involving children be directly reported to his office within 36 hours of receipt. OHCHR has established an internal alert system, including direct reporting to the High Commissioner and streamlining procedures with specific guidance for handling allegations and follow-up actions. These alert systems have enabled expedited and better coordinated responses, including continued engagement with Member States on accountability.

## B. Strengthened and coordinated investigations

66. Depending upon the affiliation of the alleged perpetrator, the entities responsible for investigations of allegations of sexual exploitation and abuse and other human rights violations are Member States, OIOS[5] and OHCHR or, if the alleged perpetrator is a member of an agency, fund or programme, the respective investigative entity is responsible. The Panel proposed the establishment of an additional standing investigative body to address concerns with respect to the preservation of evidence and to ensure a victim-centred approach during such investigations. The Secretary-General is considering the viability of creating such a body. In the interim, however, he is addressing the concerns expressed by the Panel.

67. To preserve evidence prior to the investigation, immediate response teams have been established in most peacekeeping operations, and the Secretariat has issued interim operational guidance for them. An initial mission-specific training course was delivered in MINUSCA in April 2016, with subsequent training in other missions.

68. OIOS is developing a comprehensive training package that will reflect the uniform standards of investigation, and it is conducting internal system-wide training to increase investigative capacity. It recently developed a two-day course on interviewing children appropriately and sensitively in the context of investigations. UNICEF, UNDP, the United Nations Police Division and the Department of Safety and Security have participated in the programmes.

69. In the area of enforcement, field missions have established standing task forces and focal points on sexual exploitation and abuse. Their roles include ensuring that victims are receiving immediate assistance, appropriate responses to allegations are initiated without delay, the relevant offices are informed and activities to preserve evidence are undertaken.

70. In addition, the Secretariat has asked Member States to obtain DNA samples from members of military contingents and formed police units who are alleged to

[5] In some cases of sexual exploitation and abuse, the Office of Internal Oversight Services refers investigations to the Department of Field Support.

have committed sexual exploitation and abuse in order to assist in resolving allegations of abuse and claims of paternity.

## C. Criminal accountability

71. With respect to criminal accountability, different legal regimes apply to referrals of specific categories of personnel. Members of United Nations military contingents are governed by the memorandum of understanding between the United Nations and the contributing State. Such memorandums are drafted on the basis of the model memorandum of understanding (see A/C.5/66/8, chap. 9), pursuant to which the contributing State maintains exclusive jurisdiction. Officials, including United Nations staff members, and experts on mission, such as military observers and civilian police officers, are governed by the framework put into place under the General Assembly resolutions on the criminal accountability of United Nations officials and experts on mission. Members of formed police units have the status of experts on mission and are covered under the same regime with regard to criminal accountability. The relevant procedures are set out in the memorandum of understanding with the police-contributing country.

72. The Secretary-General encourages the Ad Hoc Committee on the criminal accountability of United Nations officials and experts on mission to revive its recommendation to have an international convention on criminal accountability of United Nations personnel in connection with crimes committed in peacekeeping operations. The criminal accountability of non-United Nations forces depends on the arrangements in place in each instance, such as bilateral arrangements between the contributing State and the host State. In the majority of cases, the State of origin retains exclusive jurisdiction.

73. Given that the authority to sanction or criminally prosecute members of military contingents is under the exclusive jurisdiction of Member States, the Secretariat continues to work with national authorities to ensure clear outcomes and public accountability. In addition, OHCHR systematically follows up with Member States concerning allegations of sexual exploitation and abuse and other serious human rights violations involving non-United Nations international forces and cooperates with national authorities to ensure that these allegations are promptly and impartially investigated and that victims are provided with remedies and redress.

74. The Secretary-General has accepted and implemented the Panel's recommendation that the Organization adopt an approach to immunity that presumes the cooperation and active participation of United Nations staff in accountability processes. All United Nations offices have been advised to inform the Office of Legal Affairs immediately of potential sexual exploitation and abuse cases that may involve the status, privileges and immunities of the United Nations and its personnel. Requests to Member States for judicial assistance and cooperation in national investigations are addressed expeditiously and prioritized to extend the widest measure of cooperation possible.

75. Since March 2016, the Department of Peacekeeping Operations and the Department of Field Support jointly with the Special Coordinator have broadly engaged with Member States, including troop- and police-contributing countries, on ways to ensure justice and accountability. As at June 2016, four meetings had been held to seek the views of Member States on the possibility of holding in situ courts-

martial by their national authorities for crimes committed in a host country and whether this would require a modification of their current legislation. Consideration of these questions is continuing (see para. 82).

76. The Secretary-General continues to issue additional guidance to heads of missions on standards and procedures for referring to Headquarters reports of misconduct that may amount to criminal conduct, including sexual exploitation and abuse, to ensure onward referral to the judicial authorities of the relevant States.

77. When a report of sexual exploitation and abuse is substantiated, any payments that were suspended or that are outstanding to the individual or individuals concerned will be forfeited as of the date of the incident and transferred to the Trust Fund. An amount equivalent to the proportion of any payments already made, or that may become due, will be charged against future payments to the Member State in question.

78. The decision of the Secretary-General to provide country-specific information on the number of credible allegations is in response to the call from Member States for credible systems of accountability. The publication of country-specific information has served as an additional incentive for Member States to demonstrate that they are taking swift and decisive action in cases involving their personnel. In addition, the public reports of the United Nations High Commissioner for Human Rights on sexual exploitation and abuse by non-United Nations forces have triggered swift reactions by Member States, some of which have deployed investigative missions on the ground.

## D. Public transparency

79. The Secretariat continues to follow up with Member States on the disposition of cases in order to make their outcomes known. Follow-up includes formal and informal, written and oral requests for updates and detailed information regarding processes and sanctions applied to individual cases. In addition, the Under-Secretary-General for Peacekeeping Operations, the Under-Secretary-General for Field Support and the United Nations High Commissioner for Human Rights follow up directly with permanent representatives, military and police representatives, advisers, representatives of regional organizations and other national officials on specific issues of concern. The Secretariat will continue to publish outstanding requests for information until the Member State concerned has notified it of the outcome of the case.

80. Additional measures of public transparency are being taken. The Secretariat, through the Department of Public Information, is developing a new website to highlight efforts to tackle sexual exploitation and abuse, which it expects to launch in the third quarter of 2016. The aim of the website is to serve as a one-stop shop for information on policies and procedures, the status of allegations and instructions on how to report allegations.

81. The Secretary-General submits annual reports to the General Assembly and issues annual information circulars to staff members on the disposition of cases in which misconduct, including sexual exploitation and abuse, has been established.

82. Senior officials are briefing Member States on the issue with increasing frequency. In addition to the two informal briefings organized by the President of

the General Assembly in April and May 2016, informal briefings were held in the second quarter of 2016 with the Special Committee on Peacekeeping Operations and the Fifth Committee. Furthermore, four consultative sessions were conducted with troop- and police-contributing countries between March and June 2016 to discuss the Panel's recommendations that call for increasing accountability, with a focus on ensuring that the victim receives justice through the timely prosecution of alleged perpetrators, either in situ under the national law of the troop- or police-contributing country or within the troop- or police-contributing country itself. Consistent with other recommendations of the Panel, the Secretariat will continue to fully cooperate with investigations and judicial proceedings, while observing the appropriate safeguards for victims' rights.

83. The Secretariat is also collecting and analysing pertinent regulations, policies and manuals on the military law and military justice systems of Member States to inform stakeholders about the laws and regulations that govern military personnel wherever they are deployed. This information will be made available the websites of peacekeeping operations by the fourth quarter of 2016.

84. In its resolution 70/286, the General Assembly requested that future annual reports on special measures include information relating to allegations of sexual exploitation and abuse by non-United Nations forces operating under a Security Council mandate, as well as by United Nations personnel and the personnel of troop- and police-contributing countries.

## VIII. Non-United Nations forces

85. With regard to allegations of sexual exploitation and abuse by non-United Nations forces, OHCHR has the lead responsibility for monitoring, investigating and reporting. The extent to which it and other relevant entities may gather information and report depends on factors such as the deployment of an OHCHR field presence in the particular setting, access to sites where violations have occurred, access to victims and other sources of information, capacity to systematically undertake monitoring and reporting and concerns regarding the protection of victims. Furthermore, there are limited enforcement measures in place to guarantee the collaboration of States concerned in, for example, facilitating access to personnel records or establishing disciplinary and protective measures in-country.

86. The human rights component in a mission conducts regular monitoring, investigation and reporting activities as part of its core functions. When allegations of violations of human rights, including sexual exploitation and abuse by non-United Nations forces, are identified, the human rights component investigates in coordination with advisers for the protection of women and children. OHCHR supports human rights components in applying a well-established methodology that is grounded on key principles, including to pursue the best interest of victims and to "do no harm". As to allegations of other human rights violations, human rights components carry out fact-finding activities and engage with victims, witnesses and the other actors concerned to corroborate the allegations and seek redress for victims.

87. Information gathered on allegations informs advocacy and intervention actions at the country and international levels. The leadership of missions has the responsibility, with the Department of Peacekeeping Operations or the Department of Political Affairs and OHCHR, for reporting allegations involving non-United

Nations forces and carrying out démarches at the country level with the regional organizations or States concerned. At the international level, the United Nations High Commissioner for Human Rights, in close coordination with the Department of Peacekeeping Operations or the Department of Political Affairs, as well as with the Special Representatives of the Secretary-General for Children and Armed Conflict and on Sexual Violence in Conflict, engages with the States concerned to inform them and request them to undertake investigations, with adequate safeguards for victims, and prosecutions as appropriate.

88. OHCHR has raised allegations of serious human rights violations or abuses, including allegations of sexual exploitation and abuse by non-United Nations forces, with several countries and regional organizations, including Burundi, France, Gabon, Georgia, Morocco, the Democratic Republic of the Congo, Uganda and the European Union. Most of those Member States initiated national investigations into the allegations, some of which led to in situ visits. OHCHR tracks allegations and follow-up action. It also maintains a dialogue with the Member States concerned, seeking to provide incentives for accountability and calling for the victims to be given remedy and redress.

89. Violations by non-United Nations forces are reported through reports of the Secretary-General to the Security Council and in the context of the reports of the United Nations High Commissioner for Human Rights. Trends and patterns of sexual violence, including those committed by non-United Nations forces, are also contained in the annual reports of the Secretary-General on children and armed conflict and on conflict-related sexual violence to the Council. In Council resolution 2272 (2016), the relevant United Nations entities were encouraged to continue to include information on sexual violence by non-United Nations forces and peacekeeping forces in their regular reporting to the Secretary-General.

90. As requested by the Security Council in its resolution 2272 (2016), all States that deploy forces not under United Nations command should take adequate measures to prevent sexual exploitation and abuse, promptly, thoroughly and independently investigate allegations, hold perpetrators accountable and repatriate units where there is credible evidence of widespread or systemic abuse.

## IX. Conclusion

91. Sexual exploitation and abuse is a global malignancy that profoundly affects not only the United Nations but also families, communities, business enterprises, religious institutions and governments, among others. The United Nations and its personnel are held to the highest international standards — as indeed they should be. The only way the Organization will be able to live up to those standards is by confronting its weaknesses with honesty, stepping up and mobilizing its resources appropriately. The men and women who serve valiantly and honourably each day, in particular those who have given their lives in the name of the United Nations, deserve no less than the complete restoration of the world's faith in the Organization.

92. For that to become a reality, Member States and every individual serving under the United Nations flag must personally associate himself or herself with the cause. Each actor must accept the responsibility to act in an exemplary fashion and uphold exemplary standards.

**93. The Secretary-General has reiterated his unwavering commitment to standing up against the scourge of sexual exploitation and abuse, shining a spotlight on the joint resolve of Member States and the Organization and establishing the United Nations as a global example of best practices. That is our goal; this is our commitment.**

**94. The General Assembly is requested to take note of the present report.**

# Annex

## Actions under way in response to the recommendations of the External Independent Review Panel

**Recommendation 1**

**Acknowledge that sexual exploitation and abuse by peacekeepers, whether or not the alleged perpetrator is under United Nations command, is a form of conflict-related sexual violence to be addressed under the United Nations human rights policies.**

*Partially accepted; see A/71/97, paras. 5, 6, 9, 13, 14, 33, 41, 58 and 64*

1. The United Nations acknowledges that sexual exploitation and sexual abuse, irrespective of the affiliation of the perpetrator, must be addressed through a human rights lens and a victim-centred approach. The United Nations notes that not all cases of sexual exploitation and abuse may amount to conflict-related sexual violence and that such a determination shall be made on a case-by-case basis. The issue was previously considered by the steering committee of United Nations Action against Sexual Violence in Conflict, in 2011, which determined that conflict-related sexual violence should not be treated as synonymous or equivalent to sexual exploitation and abuse as matter of course. The steering committee recognized conflict-related sexual violence as a distinct issue, acknowledged the complexities surrounding the nature of the crime in relation to the conflict and noted the differing systems in place. A formal policy will be developed, to be finalized by the end of 2016, to clearly articulate what sexual exploitation and abuse as conflict-related sexual violence means in practice, including the specific criteria to make this determination and how to apply a human rights approach.

**Recommendation 2**

**Create a coordination unit in the Office of the United Nations High Commissioner for Human Rights (OHCHR) reporting directly to the United Nations High Commissioner for Human Rights to oversee and coordinate responses to conflict-related sexual violence. The functions of the unit would include monitoring, reporting and following up on allegations of sexual abuse, analysing data with a view to tracking trends and practices for the purpose of improving prevention and accountability and following up on the implementation of the Panel recommendations.**

*Partially accepted and implemented; see A/71/97, paras. 10, 11, 26, 27, 29, 30, 33, 59, 61 and 63*

2. The United Nations acknowledges the need for better system-wide coordination to ensure that efforts to prevent and respond to occurrences of sexual exploitation and abuse are driven more coherently and are strategically aligned at the senior management level. The Secretary-General is of the view that it is premature to propose the establishment of a permanent unit. Consideration is being given, however, to extending the mandate of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse beyond the initial 11-month term, which ends early in 2017, which would ensure continuity and provide the new leadership of the Organization with a strong platform on which to continue to work on the issue.

**Recommendation 3**

**Create a working group to support the coordination unit composed of experts (including specialists skilled in addressing sexual violence by international forces) and representatives of troop-contributing countries. The working group should develop a single policy harmonizing the policies on sexual exploitation and abuse and human rights and develop processes promoting criminal accountability for sexual violence.**

*Partially accepted and implemented; see A/71/97, paras. 27, 28 and 30*

3. The current system-wide working group, chaired by the Special Coordinator, operates effectively and should be maintained for the same period as the mandate of the Special Coordinator. The working group includes specialists in human rights, conflict-related sexual violence and child protection.

**Recommendation 4**

**Require mandatory and immediate reporting of all allegations of sexual violence to: the head of the human rights component in the field or mission, or the reporting officer; in cases of sexual violence against children, the child protection officer, the United Nations Children's Fund and the Special Representative of the Secretary-General for Children and Armed Conflict; in cases of sexual violence against adults, the Special Representative of the Secretary-General on Sexual Violence in Conflict; and the coordination unit.**

*Accepted and implemented; see A/71/97, paras. 64 and 65*

**Recommendation 5**

**Establish, under the authority of the coordination unit, a professional investigative team available for immediate deployment when conflict-related sexual violence by peacekeepers is reported.**

*Under consideration; see A/71/97, paras. 18, 21, 46, 61, 65-69 and 86-88*

4. The United Nations accepts the need to strengthen the investigation of, and follow-up to, allegations of sexual exploitation and abuse. Member States, the Office of Internal Oversight Services, OHCHR and the investigative units of agencies, funds and programmes undertake investigations into allegations of sexual exploitation and abuse and other human rights violations. The United Nations is working with Member States to strengthen investigations. In the interim, immediate response teams have been established in most peacekeeping operations to preserve evidence prior to investigations.

**Recommendation 6**

**Task the working group with reviewing United Nations policies on confidentiality in order to establish a proper balance between informed consent, protection and accountability.**

*Accepted and under implementation; see A/71/97, paras. 61, 63 and 76*

5. Work is under way to formulate a single, coherent policy, with criteria for disclosure and procedures for the treatment and processing of confidential information in order to ensure accountability, to be applied system-wide.

**Recommendation 7**

**Establish a trust fund to provide specialized services to victims of conflict-related sexual violence.**

*Accepted and implemented; see A/71/97, paras. 59, 60, 63, 69 and 77*

**Recommendation 8**

**Negotiate with troop-contributing countries provisions ensuring prosecution, including by granting host countries subsidiary jurisdiction to prosecute crimes of sexual violence by peacekeepers.**

*Under discussion with Member States; see A/71/97, paras, 19, 20, 70-73, 75, 78 and 90*

6. The United Nations accepts the need to obtain justice for victims of sexual exploitation and abuse and to ensure the full accountability of perpetrators. Member States have always agreed to contribute troops only on the understanding that they would have exclusive criminal jurisdiction over their soldiers when deployed to United Nations peacekeeping operations. Extensive consultations with troop- and police-contributing countries are under way to identify ways to strengthen accountability.

**Recommendation 9**

**Negotiate the inclusion in agreements with troop-contributing countries of provisions ensuring transparency and cooperation in accountability processes.**

*Under discussion with Member States; see A/71/97, paras. 19, 20, 22-24, 37, 71, 73, 75 and 77-84*

7. Since the endorsement in 2012 of the model troop-contributing country memorandum of understanding by the Special Committee on Peacekeeping and the General Assembly, the Secretariat has notified all contributing Member States of changes in its requirements regarding the troops contributed, including on matters of discipline and accountability. Those changes were made to ensure transparency and cooperation in accountability processes. Additional measures that emerge from discussions with Member States will be formally added to the draft memorandum of understanding, subject to Member State agreement.

**Recommendation 10**

**Adopt an approach to immunity that presumes the cooperation and active participation of United Nations staff in accountability processes.**

*Accepted and implemented; see A/71/97, paras. 74 and 76*

8. The United Nations, through the Office of Legal Affairs, has instructed all United Nations offices to immediately inform the Office of sexual exploitation and abuse cases that may have a bearing on the status, privileges and immunities of the United Nations and its personnel. Requests to Member States for judicial assistance and cooperation in national investigations relating to sexual exploitation and abuse are addressed expeditiously and prioritized to extend the widest measure of cooperation possible. Timelines for the immediate handling of such cases have been established, along with a mechanism to report regularly on performance against those timelines.

**Recommendation 11**

**Negotiate with troop-contributing countries provisions for screening troops that are at a minimum equivalent to the standards described in the human rights due diligence policy on United Nations support to non-United Nations security forces.**

*Partially accepted and under implementation; see A/71/97, paras. 48-50 and 52*

9. Consistent with Article 101 of the Charter of the United Nations, the Staff Regulations and Rules of the United Nations and other relevant United Nations standards, the Secretariat is committed to ensuring that all personnel meet the highest standards of efficiency, competence and integrity, including respect for and commitment to human rights. The cooperation of Member States and the effective screening of their personnel prior to deployment or nomination are paramount in ensuring that United Nations standards are upheld and essential to enabling the Secretariat to conduct adequate checks. The application of human rights screening standards has indeed improved the selection of personnel in key positions. Since 2012, in accordance with the policy on human rights screening of United Nations personnel, Member States that nominate or provide personnel to serve with the United Nations are requested to screen their personnel and certify that they have not committed and have not been the subject of allegations of having committed criminal offences and/or violations of international human rights law and international humanitarian law. The Secretariat researches the human rights background of candidates for senior positions to ensure appropriate screening. Limited capacity, however, hampers a more systematic application. The Secretary-General decided to establish a dedicated and sufficiently resourced screening entity to serve the interest of the United Nations as a whole, for which two posts were requested in the context of the peacekeeping support account for 2016/17. The General Assembly did not approve the requested resources and thus, discussions will be undertaken as to how to carry out these tasks.

**Recommendation 12**

**Maintain a comprehensive and up-to-date human rights database hosted by OHCHR.**

*Partially accepted and under review; see A/71/97, paras. 31 and 32*

10. The need for a comprehensive and up-to-date database to track allegations and cases of sexual exploitation and abuse is acknowledged. Work is continuing under the direction of the Special Coordinator to strengthen system-wide data holdings on sexual exploitation and abuse and to make recommendations for the possible housing of the database.